APPENDIX A

US Fish and Wildlife Service Letter and List of Special Status Species

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

April 7, 2008

Document Number: 080407014049

Brian Hanson
Huffman and Carpenter
500 Damonte Ranch Pkwy.
Suite 929
Reno, NV 89521

Subject: Species List for Lake Forest ECP Area B

Dear: Mr. Hanson

We are sending this official species list in response to your April 7, 2008 request for information about endangered and threatened species. The list covers the California counties and/or U.S. Geological Survey 7½ minute quad or quads you requested.

Our database was developed primarily to assist Federal agencies that are consulting with us. Therefore, our lists include all of the sensitive species that have been found in a certain area *and also ones that may be affected by projects in the area*. For example, a fish may be on the list for a quad if it lives somewhere downstream from that quad. Birds are included even if they only migrate through an area. In other words, we include all of the species we want people to consider when they do something that affects the environment.

Please read Important Information About Your Species List (below). It explains how we made the list and describes your responsibilities under the Endangered Species Act.

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be July 06, 2008.

Please contact us if your project may affect endangered or threatened species or if you have any questions about the attached list or your responsibilities under the Endangered Species Act. A list of Endangered Species Program contacts can be found at www.fws.gov/sacramento/es/branches.htm.

Endangered Species Division

TAKE PRIDE IN AMERICA

Federal Endangered and Threatened Species that Occur in or may be Affected by Projects in the Counties and/or U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 080407014049

Database Last Updated: January 31, 2008

Quad Lists

KINGS BEACH (538A)

Candidate Species

Amphibians

Rana muscosa

mountain yellow-legged frog (C)

Mammals

Martes pennanti

fisher (C)

TAHOE CITY (538B)

Listed Species

Fish

Oncorhynchus (=Salmo) clarki henshawi

Lahontan cutthroat trout (T)

Candidate Species

Amphibians

Rana muscosa

mountain yellow-legged frog (C)

Mammals

Martes pennanti

fisher (C)

Plants

Rorippa subumbellata

Tahoe yellow-cress (C)

County Lists

No county species lists requested.

Key:

(E) *Endangered* - Listed as being in danger of extinction.

(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.

(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.

(C) *Candidate* - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online Inventory of Rare and Endangered Plants.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list.

For plant surveys, we recommend using the Guidelines for Conducting and Reporting Botanical Inventories. The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

> Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.

  During formal consultation, the Federal agency, the applicant and the Service work together to

avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

  Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our critical habitat page for maps.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. More info

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you

address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be July 06, 2008.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way W-2605
Sacramento, California 95825

In reply refer to:

JUN 12 2008

Mr. Francis C. Piccola
Chief, Planning Division
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Dear Mr. Piccola:

Pursuant to our FY 2008 Scope of Work, this letter constitutes the Fish and Wildlife Service's (Service) Planning Aid Letter for the Corps of Engineer's (Corps) Lake Forest Section 108 Ecosystem Restoration Project. Information considered in the preparation of this letter include our observations during a site visit on April 24, 2008, and our review of preliminary information provided by a Corps contractor (Suzanne Heim and Brian Hanson, Huffman & Carpenter, Inc., Reno, Nevada), as follows: (1) a preliminary Draft Environmental Assessment entitled "Section 108 Lake Forest Erosion Control Project - Area B," April 2008; (2) a vegetation assessment for the project area entitled "Biological Evaluation and Biological Assessment for Threatened, Endangered, and Sensitive Plants and Fungi," November 1, 2007; (3) a wildlife assessment for the project area (untitled); and (4) preliminary plans entitled "Lake Forest Erosion Control Project, EIP #10061," dated June 2006.

It is our understanding that the project concept involves restoration of currently buried or diverted sections of Lake Forest and Polaris creeks, ephemeral creeks which flow into Lake Tahoe near Tahoe City. Excavation of a portion of Lake Forest Creek would be done to daylight the creek and create a floodplain sufficient to accommodate flows, which would be redirected into the restored channel and floodplain after restoration is complete. Although a detailed design is not yet available, plantings, rock, and wood would probably be employed in some fashion to stabilize and enhance the creek channel in the vicinity of the excavated area. Much of the excavated area would be restored to wet meadow and riparian habitat. Where necessary to prevent flooding of structures, a berm would be constructed on the floodplain margin, and a new culvert constructed under Lake Forest Road. A diverted section of Polaris Creek would also be restored, although it does not appear to involve the excavation required for Lake Forest Creek. Diverted flows would remain in the existing storm drains until vegetation has established, after

which time the entire flow would be returned to the restored Lake Forest and Polaris creek channels. A number of additional erosion control features would be constructed in nearby residential development, such as curbs, gutters, shoulder treatments, slope treatments, porous pavement treatments, channel lining, several culvert replacements, and others measures. The project also includes some recreational features in the form of paths and signage, as well as some smaller restoration areas and associated elements in the Aspen Drainage (Reaches 1X-4X) and the upstream environs of Polaris Creek (Reaches 1Z-4Z) which we did not observe during the site visit.

At this juncture, the project design is preliminary and conceptual. Due to this limited information, and limited coordination funding provided by the Corps for our participation, we can provide only general recommendations. Foremost, we note that the restored creeks are intended to carry the full volume of peak snowmelt after restoration. Both Polaris Creek and the Lake Forest meadow where the daylighting excavation would occur have a moderate slope. Due to the sensitivity of Lake Tahoe water quality to fine sediment and associated nutrient inputs, careful consideration should be given to the design and staging of the restoration of these sections to minimize risks of erosion either from the floodplain surface or due to lateral or vertical adjustment of the creeks when the diverted flow is returned. Potential design measures to reduce sediment input of the restored sections include: use of biodegradable surface fabrics on sloped surfaces, use of natural materials on the banks and invert of the creek (boulders, cobbles, wood), subsurface grade control structures, and seeding or planting with native woody and herbaceous species on the floodplain and creek banks. The proposal to keep flows in the storm drain until vegetation establishes should greatly minimize erosion potential, but would not eliminate it entirely.

Several approaches could be employed in the design to augment the habitat potential of the restoration areas. For example, a small amount of topographic variation could be designed to vary the hydroperiod and promote diversity of plant types, or seasonal ponding. Placement of salvaged large wood or branches could be introduced on sloped surfaces to reduce the potential for rilling, as additional habitat elements, and as aesthetic elements to provide a more natural appearance. The revegetation plan could vary by location, and include native woody shrub species such as willow, alder and dogwood, and may include pines in upland transitional areas.

Where appropriate, we recommend that materials (native plants, rock, wood, soils) from the excavation phase be salvaged and re-used in the restoration. Otherwise, we recommend that the Corps identify sources and develop a schedule for stock development of vegetative materials to be used in the project (propagated plants, cuttings, and seed), preferably from as close as possible to the project area. Soils in the excavated area, should be examined for consistency with the proposed planting scheme and supplemented if necessary. Best Management Practices should be implemented to minimize the transport of fines from the project area to Lake Tahoe.

In conclusion, the Service supports the proposed project concept to restore Lake Forest and Polaris Creeks, which have been impaired and degraded by past diversion and fill activities. Based on our limited review, we believe that the proposed project would have localized net benefits to fish and wildlife resources by increasing the amount of wet meadow and riparian habitats, reducing sediment and nutrient inputs to the lake, and focusing recreational use in a

manner which will limit human impact. We anticipate the impacts of the project to be relatively small and temporary, limited to losses of upland habitat and some larger pines in the sections proposed to be daylighted, and minor erosion of the excavated surfaces until vegetation has established. This upland habitat appears to support an abundant small mammal population, but such habitat is relatively common compared to the ephemeral creek and wetland habitat which would be restored by the project. We expect that the natural hydrology restored by the project would maintain this habitat with minimal future management. Additionally, we believe that the potential impacts of erosion would be adequately minimized and mitigated by construction windows and revegetation measures as described in the preliminary EA. The project would also likely complement and integrate with future measures, such as the potential removal of the ball field at the mouth of Lake Forest Creek, and its restoration to a wetland. We have not identified any major issues with the proposed project at this time.

Thank you for the opportunity to comment on this project. If you have any questions on this letter, please contact Steven Schoenberg at (916) 414-6564.

Sincerely,

M. Kathleen Wood

M. Kathleen Wood
Acting Field Supervisor

cc:
Reno FWO, Reno, NV
Barbara Shanley, USFS, South Lake Tahoe, CA
Mario Parker, Corps, Sacramento, CA
CDFG, Rancho Cordova, CA
Susanne Heim, Huffman & Carpenter, Reno, NV
Adam Lewandowsky, Tahoe Conservancy, South Lake Tahoe, CA